

Introduced by Senator Ortiz

February 20, 2004

An act to amend Sections 4450 and 4454 of the Government Code, relating to disability access, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1775, as introduced, Ortiz. Public buildings: disability access.

(1) Existing law, with respect to public buildings and structures, requires the State Architect to develop and submit to the California Building Standards Commission for approval and adoption, regulations and building standards relating to access for persons with disabilities that are consistent with the standards for buildings and structures contained in pertinent provisions of the latest edition of the Uniform Building Code, as adopted by the International Conference of Building Officials.

This bill instead would require the regulations and building standards developed and submitted by the State Architect to be consistent with the standards for buildings and structures contained in pertinent provisions of the latest edition of the selected model code, as adopted by the California Building Standards Commission.

(2) Existing law establishes the Disability Access Account, funded by specified fees, and continuously appropriates funds in the account to the Department of General Services for expenditures in carrying out certain responsibilities with respect to standards for access to public buildings by persons with disabilities. The authority to expend funds from the account for this purpose terminates on December 31, 2004.

This bill would delete the provisions terminating the authority to expend funds from the account for these purposes. By reauthorizing the

expenditure of funds from the account, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4450 of the Government Code is
2 amended to read:

3 4450. (a) It is the purpose of this chapter to ensure that all
4 buildings, structures, sidewalks, curbs, and related facilities,
5 constructed in this state by the use of state, county, or municipal
6 funds, or the funds of any political subdivision of the state shall be
7 accessible to and usable by persons with disabilities. ~~The~~

8 (b) ~~The~~ State Architect shall develop and submit proposed
9 building standards to the California Building Standards
10 Commission for approval and adoption pursuant to Chapter 4
11 (commencing with Section 18935) of Part 2.5 of Division 13 of the
12 Health and Safety Code and shall develop other regulations for
13 making buildings, structures, sidewalks, curbs, and related
14 facilities accessible to and usable by persons with disabilities. The
15 regulations and building standards relating to access for persons
16 with disabilities shall be consistent with the standards for buildings
17 and structures ~~which~~ that are contained in pertinent provisions of
18 the latest edition of the ~~Uniform Building Code~~ *selected model*
19 *code*, as adopted by the ~~International Conference of California~~
20 ~~Building Officials Standards Commission~~, and these regulations
21 and building standards shall contain additional requirements
22 relating to buildings, structures, sidewalks, curbs, and other
23 related facilities as the State Architect determines are necessary to
24 assure access and usability for persons with disabilities. In
25 developing and revising these additional requirements, the State
26 Architect shall consult with the Department of Rehabilitation, the
27 League of California Cities, the ~~County Supervisors~~ *California*
28 *State Association of California Counties*, and at least one private
29 organization representing and comprised of persons with
30 disabilities.

31 ~~(b) However, in~~

32 (c) *In* no case shall the State Architect's regulations and
33 building standards prescribe a lesser standard of accessibility or

1 usability than provided by the Accessibility Guidelines prepared
2 by the federal Access Board as adopted by the United States
3 Department of Justice to implement the Americans with
4 Disabilities Act of 1990 (Public Law 101-336).

5 SEC. 2. Section 4454 of the Government Code is amended to
6 read:

7 4454. (a) Where state funds are utilized for any building or
8 facility subject to this chapter, or where funds of counties,
9 municipalities, or other political subdivisions are utilized for the
10 construction of elementary school, secondary school, or
11 community college buildings and facilities subject to this chapter,
12 no contract shall be awarded until the Department of General
13 Services has issued written approval stating that the plans and
14 specifications comply with the intent of this chapter.

15 ~~In~~

16 (b) *In* each case the application for approval shall be
17 accompanied by the plans and full, complete, and accurate
18 specifications, which shall comply in every respect with any and
19 all requirements prescribed by the Department of General
20 Services.

21 ~~The~~

22 (c) *The* application shall be accompanied by a filing fee in
23 amounts as determined by the Department of General Services. All
24 fees shall be deposited into the Access for Handicapped Account,
25 which ~~account~~ is hereby renamed the Disability Access Account
26 as of July 1, 2001, and established in the General Fund.
27 Notwithstanding Section 13340, the account is continuously
28 appropriated for expenditures for the use of the Department of
29 General Services, in carrying out the department's responsibilities
30 under this chapter. ~~However, the expenditure of funds from the~~
31 ~~Disability Access Account for responsibilities prescribed in~~
32 ~~Section 4459 shall terminate on December 31, 2004.~~

33 ~~The~~

34 (d) *The* Department of General Services shall consult with the
35 Department of Rehabilitation in identifying the requirements
36 necessary to comply with this chapter.

37 ~~The~~

38 (e) *The* Department of General Services, Division of the State
39 Architect, shall include the cost of carrying out the responsibilities

- 1 identified in this chapter as part of the plan review costs in
- 2 determining fees.

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